

NAYS—Messrs. Erath, Grimes, Guinn, Hyde, Lott, Martin, Pirkey, Russell, Stockdale, Taylor of Cass, Taylor of Houston, Walker and Wren—13.

On motion of Mr. Throckmorton, the bill for the relief of Henry Stout was taken from the table and read a second time.

On motion of Mr. Britton, the bill was amended by striking out "\$500 00," and inserting "\$1.000 00" in lieu thereof.

The yeas and nays upon the engrossment of the bill being called, stood thus :

YEAS—Messrs. Britton, Fall, Scarborough, Throckmorton, Truitt and Wigfall—6.

NAYS—Messrs. Burroughs, Caldwell, Erath, Graham, Grimes, Guinn, Hyde, Martin, Pirkey, Potter, Russell, Stockdale, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Walker and Wren—17.

So the Senate refused to engross the bill.

Mr. Erath moved a reconsideration of the vote just taken ; carried.

Tr. Throckmorton offered as a substitute for the bill—

"A bill donating 640 acres of land to Henry Stout."

On motion of Mr. Wigfall, the Senate adjourned until Saturday morning, 10 o'clock.

SATURDAY, January 2, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Thursday was read and adopted.

Mr. Taylor of Houston presented the memorial of Henry P. Hill, referred to the committee on Public Land.

Mr. Taylor of Houston, chairman of the committee on enrolled bills, reported :

A bill to organize the county of Presidio, and

A bill for the relief of the heirs of Martin Winne ; correctly enrolled, properly signed, and presented to the Governor on the 31st ultimo.

Mr. Fall, from the committee on engrossed bills reported :

A bill to amend the first section of an act to create the county of Palo Pinto.

A bill to amend the first section of an act to create the county of Jack, and

A bill to incorporate the Preachers Aid society of the East Texas conference, correctly engrossed.

Mr. Taylor of Cass, from the committee on Internal Improvements, to which was referred a bill to incorporate the Eastern Texas Railroad Company, reported a substitute therefor, and recommended its adoption and passage.

Mr. Pirkey, Chairman of the committee on Public Lands, to which was referred a bill to authorize the Commissioner of the General Land Office to issue patents upon locations made on Kemper's Island, upon the Guadalupe river, reported the same back to the Senate and recommended its passage.

Mr. Martin, Chairman of the committee on Private Land Claims, made the following reports :

The committee on Private Land Claims have considered a bill for the relief of Zippore Whitesides, and the heirs of Henry Whitesides, and recommend its passage.

The committee on Private Land Claims, have considered a bill for the relief of Marilla Prince, and recommend its passage with the following amendment :

Strike out "price of said land as provided by law" and insert "patent fees."

Mr. Potter made the following report :

The Judiciary committee have considered a bill to ascertain illegally issued land certificates, issued by the county Courts of the counties in Peter's colony, &c., and a majority of the committee direct me to report a substitute therefor, and to recommend the adoption of the substitute and the passage of the bill. The committee believe that the proposed bill will provide an efficient remedy for the detection of such certificates as have been illegally issued, by the county courts in Peters' colony, under the provisions of the 10th section of the act of February 10th, 1852, entitled an act relating to lands in Peters' colony.

On motion of Mr. Potter the rule was suspended, bill and report taken up, read, and the substitute adopted.

Mr. Taylor of Cass moved to amend by striking out the 12th section.

Lost, by the following vote :

YEAS—Messrs. Burroughs, Grimes, Martin, and Taylor of Cass—4.

NAYS—Messrs. Britton, Caldwell, Erath, Fall, Graham, Guinn, Herbert, Hyde, McCulloch, Maverick, Potter, Russell,

Scarborough, Shepard, Stockdale, Taylor of Fannin, Taylor of Houston, Throckmorton, Truitt, Walker and Wigfall—21.

Mr. Walker offered the following amendment :

“ Provided, that all persons who now have any improvements on any lands, upon which any of the above named certificates have been located, shall have a preference over the same for the space of six months from and after the passage of this act, over and above all entries, locations and surveys, hereafter made.

Mr. Taylor of Fannin, offered the following as a substitute, which was adopted :

“ Provided, that every person who may have purchased certificates, which may be declared invalid by the commissioners appointed by this act, shall have six months from and after the passage of this act, to cover locations upon such certificates by good and valid entry, provided such persons shall be then residing upon said lands.

The amendment was then adopted, and the bill ordered to be engrossed.

On motion of Mr. Throckmorton the rule was suspended, bill read a third time and passed.

A message was received from the Governor, transmitting the following communication :

(See Appendix.)

Mr. Walker made the following minority report :

The undersigned, a member of the committee on Public Lands, to whom was referred a bill to be entitled an act for the sale of the Public Domain, disagreeing in opinion with a majority of said committee, and differing very widely from them in the conclusions to which they have come in regard to the subject above named, begs leave, most respectfully, to present this minority report.

I regard the early settlement of the Public Domain as a matter of the utmost importance to the State.

It has been the ardent desire of all well regulated governments to have their lands peopled as early as practicable, by industrious and enterprising settlers. Texas, our pride and our boast, “ the Empire State of the South,” owes her present proud position to the carrying out of this policy. As a colony, as a Republic, and a State, the strongest inducements have ever been held out to emigrants, and the present large and rapidly increasing population of the State is owing to the

extra facilities afforded to those wishing to find homes upon her soil.

By the grants to actual settlers, by the *extreme cheapness* of lands, contrasted with the prices elsewhere, we have rapidly increased in wealth and population, and the deviation from this course of policy, the raising of the price of lands as contemplated by the bill proposed, it is believed would prove a detriment to the State.

Settlement brings improvement, population brings wealth and power. Advancement of the State being the aim of legislation, and the welfare of the people the object of law. I cannot recognise it as correct policy to adopt the course proposed. The construction of Railroads, and the developing of the resources of the State, objects of our desire, will be most surely accomplished by promoting the settlement of our Public Domain. The State will never make much progress in Internal Improvements, until the vast amount of unappropriated territory, is settled upon and brought into cultivation, by an industrious and working class of people.

Capital never has been and never will be employed to construct Railroads through a wilderness or sparsely settled country. In order then to have Railroads traversing our country, we should do something to induce emigration and settlement. This we would do by disposing of the public lands at a moderate price, say fifty cents per acre for all except reserved lands, which might be sold at one dollar per acre, upon the terms and conditions recommended in the majority report above named.

I would further recommend that a pre-emption of three years should be given to all settlers on the Public Domain, to heads of families 320 acres, and to single men over 17 years of age, 160 acres; and let those who settle on the Railroad reserve lands, have the same at one dollar per acre, and other vacant lands at fifty cents per acre.

This policy, in the opinion of the undersigned, would, in a few years induce a very large emigration to the State, and that portion of the country which is now a wilderness, and yet susceptible of improvement, would in a few years, contain a dense population, which would not only add to the revenue of the State more than a thousand fold, but would give us a corresponding and additional strength in the Congress of the United States, a thing much to be desired by the South, and especially by the State of Texas.

A dense population will bring Railroads far better, and more certainly, and that too without the aid of the very large donations of land and money, now made to them by the State.

Is it not then the true policy of the State to encourage emigration by putting the price on the Public Domain low, and by giving pre-emptions to such as may settle upon them? I would much prefer giving to emigrants a small donation of land.— This policy, it is believed is the best for the State, but as it seems, that no bill favoring this proposition can pass this Legislature, I am therefore constrained to put up with the best I can get. What is it that has produced the rapid and large settlement upon the frontier, during the last ten or twelve years? Is it not the donation of land by the State to emigrants? None will deny this fact, and yet strange to say, it is now not only proposed to put a stop entirely to the donation of lands to emigrants, or to allow them to obtain homes at low prices, but, sir, it is now for the first time in the history of the country proposed to raise so enormously the price of the public lands, as to put it out of the reach of poor men to make settlements as they have hertofore done. Have we now such an abundance of citizens that we need no more? have we “waxed so fat,” that we may “kick out” those who may desire to settle upon our Public Domain? Shall we revolutionize our entire policy? Is it correct policy for the State to give lands to Railroad Companies, and to compel those who wish to buy lands to settle upon and improve, to pay extravagant prices therefor? I think not.

According to the Railroad law now in force, which donates sixteen sections of land to each company for every mile of Railroad constructed, there will be given by the State for 400 miles of road 4,116,000 acres of the vacant Public Domain of the State, which would be sufficient to settle 25,700 families at 160 acres each.

I am fully as anxious as the majority of the committee can be to get Railroads, but I contend the best plan to further the steam car in Texas, would be to get a dense population into the country, and do not believe there is any better or surer plan to effect this object than for the State to revive the old policy of donating lands to actual settlers.

All of which is most respectfully submitted.

Mr. Britton, by leave, presented the petition of D. Walsh; referred to the committee on Claims and Accounts.

Mr. Fall introduced a bill to legalize the acts of the county

court of Angelina county ; read first and second times, and referred to the committee on the Judiciary.

Mr. Walker introduced a bill authorizing and requiring the issuance of patents upon certain surveys in Peters' colony ; read first and second times, and referred to the committee on Public Lands.

A message was received from the House informing the Senate that the House had passed the following bills originating in that body, viz :

A bill to incorporate the Beneficiary Association of San Antonio.

A bill for the relief of Goodwin Killian, and

A bill authorizing and requiring the County Courts to regulate roads, appoint overseers, &c., and that the House had concurred in the amendments of the Senate to the following bills, viz :

A bill to require all forced sales of negroes and real estate made by Executors and Administrators in Calhoun county, to be made at the door of the Cassimer House in the city of Indianola.

A bill authorizing the Commissioner of the General Land Office to cancel patent No. 815, vol. 8, &c.

A bill to regulate the pay of Grand and Petit Jurors in Smith county, and

A bill to incorporate the town of Bonham.

On motion of Mr. Potter, a bill for the relief of the Texas Western Railroad Company, with the amendment offered by Mr. Taylor of Cass, was taken from the table and read.

Mr. Taylor of Cass withdrew his amendment, and the bill was ordered to be engrossed.

On motion of Mr. Burroughs the rule was suspended, bill read a third time, and the vote stood thus :

YEAS—Messrs. Britton, Burroughs, Fall, Erath, Graham, Guinn, Herbert, Hyde, McCulloch, Martin, Maverick, Scarborough, Shepard, Stockdale, Taylor of Fannin and Truitt—16.

NAYS—Messrs. Caldwell, Grimes, Lott, Pirkey, Potter, Russell, Taylor of Cass, Taylor of Houston, Throckmorton and Walker—10.

So the bill was rejected ; two-thirds thereof not voting for it.

Mr. Stockdale introduced a bill to amend an act entitled an act regulating juries, approved 4th May, 1856 ; read first and second times and referred to the committee on the Judiciary.

Mr. Potter introduced a bill regulating executions ; read first and second times and referred to the Judiciary committee.

On motion of Mr. Martin, two thousand copies of the Governor's message, was ordered to be printed for the use of the Senate.

On motion of Mr. Hyde, five hundred of the copies ordered, were ordered to be printed in the Spanish language, and

On motion of Mr. McCulloch 500 of said copies were ordered in the German language.

#### ORDERS OF THE DAY.

A bill donating 640 acres of land to Henry Stout, under consideration on Thursday, when the Senate adjourned, was read.

Mr. Taylor of Fannin, moved to amend by adding, "and 640 acres to the heirs of John B. Denton ; lost by the following vote :

YEAS—Messrs. Burroughs, Caldwell, Fall, McCulloch, Potter, Scarborough, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Throckmorton and Wigfall—11.

NAYS—Messrs. Britton, Erath, Graham, Grimes, Guinn, Herbert, Hyde, Lott, Martin, Maverick, Russell, Shepard, Truitt and Walker—14.

Mr. Taylor of Cass, moved the indefinite postponement of the bill ; carried.

Mr. Potter moved a reconsideration of the vote just taken ; lost by the following vote :

YEAS—Messrs. Britton, Caldwell, Graham, Hyde, McCulloch, Martin, Maverick, Potter, Scarborough, Shepard, Stockdale and Throckmorton—12.

NAYS—Messrs. Burroughs, Erath, Fall, Grimes, Guinn, Herbert, Lott, Pinkey, Russell, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truitt, Walker and Wigfall—15.

On motion of Mr. Graham, the Senate adjourned until 10 o'clock, Monday morning.

MONDAY, January 4, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called, quorum present.

The Journal of Saturday was read and adopted.

Mr. Britton presented the petition of certain citizens of Nueces county, relating to stock ; referred to the committee on Stock and Stock Raising,

And also the petition of Mary A. Collins ; referred to the committee on Private Land Claims.

Mr. Erath presented the petition of John L. Whitman ; referred to the committee on Private Land Claims.

Mr. Taylor, of Houston, Chairman of the committee on Enrolled Bills, reported a bill to authorize and require all forced sales of real estate and Negroes, made by executors and administrators, in the county of Calhoun, to be made at the door of the Casimer House in the city of Indinolia, correctly enrolled, properly signed, and this day presented to the Governor.

Mr. Russell, chairman of the committee on Engrossed Bills, reported a bill to be entitled an act supplemental to and amendatory of an act to adopt and establish a Penal Code for the State of Texas, approved August 28, 1856.

Mr. Maverick presented the petition of James L. Truehart, and the petition of Ann M. Bradley ; referred to the committee on Private Land Claims.

Mr. Wigfall presented the petition of certain citizens of the town of Marshall, praying a restriction of the Charter of said town ; referred to the committee on the Judiciary.

And the petition of sundry citizens of the county of Harrison, asking relief from the disabilities of minority for John T. Pierce ; referred to the same committee.

Mr. Russell, introduced a bill to prevent the officers of the Government from acting as Agents or Attorneys for persons holding claims against the State for land or money ; read first and second times and referred to the committee on State Affairs.

#### ORDERS OF THE DAY.

A bill for the relief of A. F. Pickett, of Dallas county, ordered to be engrossed.

On motion of Mr. Walker, the rule was suspended, bill read a third time and passed by the following vote :



YEAS—Messrs. Burroughs, Erath, Fall, Guinn, Lott, Pirkey, Russell, Shepard, Taylor, of Cass, Throckmorton, Truitt, Walker and Wren—13.

NAYS—Messrs. Britton, Caldwell, Grimes, McCulloch Martin, Maverick, Scarborough, Stockdale, Taylor, of Fannin, Taylor of Houston and Wigfall—11.

A bill for the relief of Robert Baldwin; read and ordered to be engrossed.

The report from the committee on the Judiciary offering a substitute for a bill relating to water courses and privileges, was read, substitute adopted and bill ordered to be engrossed.

On motion of Mr Throckmorton, a bill to change the name of Taylorville, was taken from the table, read a third time and passed.

The report of the committee on Public Lands, upon a bill creating every county into a separate Land District, offering as a substitute therefor, a bill supplemental to an act to give to each coporate county in this State its own County Surveyor, Maps and Records, was on motion of Mr. Erath, taken from the table, read, substitute adopted and bill ordered to be engrossed.

On motion of Mr. Erath the rule was suspended, bill read a third time and passed.

A bill for the relief of Moody & Dohme, read and ordered to be engrossed.

On motion of Mr. Caldwell, the rule was suspended, bill read a third time and passed.

A bill for the relief of W. J. Whiting, read and ordered to be engrossed.

On motion of Mr. Throckmorton, the rule was suspended, bill read a third time and passed.

On motion of Mr. Russell, so much of the Governor's Message as relates to Internal Improvements, was referred to the committee on Internal Improvements.

So much as relates to an amendment of the Constitution, so as to prohibit the Legislature from considering claims against the State, to the committee on the Judiciary.

So much as relates to a Digest of the Laws, to the same committee.

So much as relates to Fines, Forfeitures and Escheats, to the same committee, and

So much as relates to prohibiting officers of the State Government from acting as Agents for claims against the State, to the committee on State Affairs.

Mr. Potter moved a reconsideration of the vote, refusing to pass a bill for the relief of the Texas Western Railroad Company.

On motion of Mr. Burroughs, the motion was laid on the table.

The report from the committee on Internal Improvements, offering a substitute for a bill to incorporate the Eastern Texas Railroad Company, was read and substitute adopted.

Mr. Taylor, of Fannin, moved to amend the bill by making Section 13 read :

“Fifty thousand in Gold Coin, less the cost of transportation and risk from New Orleans to the city of Austin, in the Treasury of the State of Texas.”

Pending which, on motion of Mr. Lott, the Senate adjourned, until to-morrow morning 10 o'clock.

TUESDAY, January 5th, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present—Journal of yesterday was read and adopted.

Mr. Russell, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed.

A bill to ascertain what Land Certificates have been illegally issued by County Courts of Peter's Colony, and to provide for the issuance of patents upon such as are legal.

A bill for the relief of A. T. Pickett, of Dallas county.

A bill for the relief of Moody & Dohme.

A bill for the relief of W. J. Whiting.

A bill for the relief of Robert Baldwin, and

A bill supplemental to an act to give each corporate county its own County Surveyor, Maps and Records.

Mr. Taylor of Houston, chairman of the committee on Enrolled Bills, reported the following bills, correctly enrolled, and properly signed and this day presented to the Governor.

“A bill to authorize the Commissioner of the General Land Office to cancel Patent No. 815, Vol. 8, issued to the heirs of Gregorio Sais, and to issue a patent to the heirs of Vicente Sais.